

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

APPLICANTS: Thomas L. Vance, et al., )

ART UNIT: 3671

SERIAL NO.: 09/933,325 )

EXAMINER: Raymond Addie

FILED : 08/20/2001 )

PRELIMINARY AMENDMENT

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS

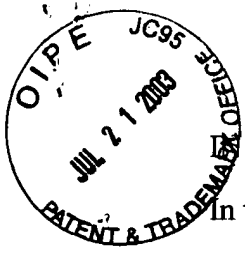
Washington, DC 20231

This is a Preliminary Amendment in the Continuation Application, filed under 37 CFR 1.53(d) of the above-identified patent application. Claims 9-16 have been canceled without prejudice. A total of 16 claims remain pending.

~~IN THE CLAIMS~~

Please cancel calims 9-16 without prejudice.

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In the application of:

APPLICANT: Thomas L. Vance, et al., )  
SERIAL NO.: 09/933,325 )  
FILED : 08/20/2001 )  
ART UNIT: 3671  
EXAMINER: Raymond Addie

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, DC 20231

Sir:

This is a request for filing a continuation prosecution application under 37 CFR s. 1.53(d) of pending prior application Serial No. 09/933,325 filed on 08/20/2001 and last amended on 03/05/2003 for Ditch Forming Apparatus and Method (title of invention) of Thomas L. Vance of 3256 Pins Lane, Gulf Breeze, Florida 32561, and Ronald R. Weaver of 3000 Woodbury Circle, Cantonment, FL 32533

The filing fee has been calculated as shown below and includes the claims presented by a preliminary amendment accompanying this request:

BASIC FEE	SMALL ENTITY	
TOTAL CLAIMS	( 16-20 = 9 ) x 9	\$375.00
IND. CLAIMS	( 2-3 = 0 ) x 42	0.00
TOTAL		0.00
		\$375.00

A check in the amount of \$375.00 is enclosed in order to cover the above-calculated filing fee.

Amend the specification by replacing the first sentence with the following:

This application is a continuation prosecution application of patent application 09/933,325 filed 08/20/2001.

A clean form of pages 1-3 of the specifications accompanies this request and incorporates the above amendment.

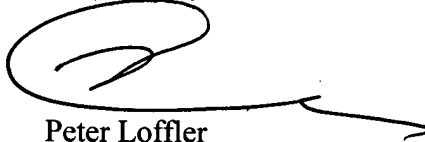
The power of attorney in the prior application is to Peter Loffler, Reg. No. 35,751,

P.O. Box 1001, Niceville FL 32588-1001.

The power appears in the original papers in the prior application.

The Applicant continues to maintain small entity status.

Respectfully submitted,




Date: 07/21/2003

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CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, postage prepaid and bearing mailing label number **EU680512529US**, and addressed to The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 21st day of July, 2003.



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Peter Loffler